

MEMORANDUM

April 25, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: JOHN M. COLEMAN
Coleman and Associates

ROGER H. GRANBO
Principal Deputy County Counsel
General Litigation Division

RE: Robin Rich v. County of Los Angeles
Chatsworth Superior Court Case No. PC 035140

DATE OF
INCIDENT: August 2, 2003

AUTHORITY
REQUESTED: \$45,000

COUNTY
DEPARTMENT: Department of Public Works

CLAIMS BOARD ACTION:




Approve



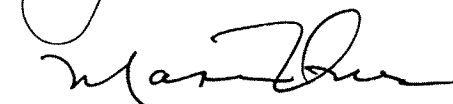
Disapprove



Recommend to Board of
Supervisors for Approval


_____, Chief Administrative Office
ROCKY A. ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on May 16, 2005

SUMMARY

This is a recommendation to settle for \$45,000, a lawsuit filed by Robin Rich for injuries he sustained in a motorcycle accident involving an employee of the Los Angeles County Department of Public Works.

LEGAL PRINCIPLES

The County is responsible for the negligent and intentional acts of its employees when the acts are done in the course and scope of employment.

SUMMARY OF FACTS

On August 2, 2003 at around noon, Robin Rich was driving his motorcycle north on Little Tujunga Road in Lakeview Terrace. Because of road work being done by a Public Works road crew, Mr. Rich was briefly stopped on the road by a member of the crew, and told to wait before he proceeded further.

When Mr. Rich was allowed to proceed, he drove around a bend in the road and saw a County truck coming at him in the wrong lane. A member of the road crew was making a U-turn to head south, and was heading south in the northbound lane when the accident occurred. Mr. Rich was forced to lay the motorcycle down on its side and skid to a stop to avoid a collision with the truck. The subsequent traffic investigation found that the employee was the cause of the accident.

Mr. Rich sustained a broken rib, a broken clavicle, and various abrasions. He was taken to the hospital by ambulance.

DAMAGES

Should this matter proceed to trial, we estimate the potential damages could be as follows:

Medical expenses	\$ 16,000
Loss of earnings	\$ 4,800
Pain and suffering	<u>\$ 100,000</u>
Total	<u><u>\$ 120,800</u></u>

The proposed settlement calls for the County to pay Robin Rich \$45,000 for all of his damages, costs, and attorney fees.

STATUS OF CASE

The trial court proceeding has been suspended pending consideration of the proposed settlement.

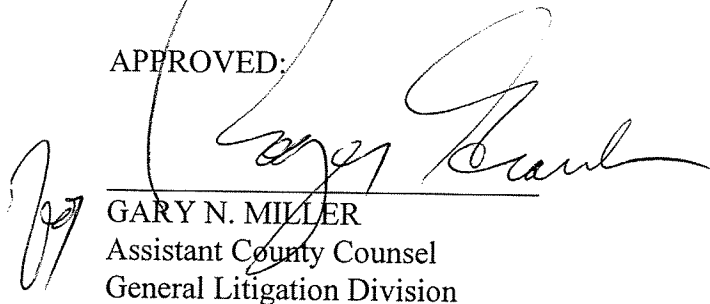
Expenses incurred by the County in defense of this action are attorney fees of \$10,143 and \$2,323 in costs.

EVALUATION

This is a case of probable liability. The traffic investigation found that the employee was the cause of the accident for driving on the wrong side of the road. A reasonable settlement at this time will avoid further litigation costs and a potential jury verdict that could exceed the proposed settlement.

We join with our private counsel, John M. Coleman, and our third party administrator, Carl Warren and Company, in recommending a settlement in the total amount of \$45,000. The Department of Public Works concurs in the recommendation.

APPROVED:



GARY N. MILLER
Assistant County Counsel
General Litigation Division

RHG:scr